

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4, 6, 8, 10-12, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Use of the term “essentially” in the phrase “at least one tunnel-like passage running essentially over the length of said outer envelope surface” in claims 1 and 2 renders the claims indefinite because the term “essentially” is considered to be a relative term. There is not guidance from the specification as to how to interpret the term “essentially”, and thus the scope of the claim is unclear. This 35 U.S.C. 112, second paragraph rejection is being made in accordance with the “Supplementary Examination Guidelines for Determining Compliance With 35 U.S.C. 112 and for Treatment of Related Issues in Patent Applications” published in the Federal Register on 02/09/2011. These guidelines can be found at: <http://www.uspto.gov/patents/law/notices/2011.jsp>. Applicant can overcome this rejection by removing the term “essentially” from claims 1, 2 and 10.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 2, 4 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardin et al. (WO 95/21690, previously cited).

Gardin discloses a cylindrical element 3 that can be a force-absorbing wall of a pressure chamber comprising an inner surface defining a pressure treatment chamber for accommodating a pressure medium and an outer envelope surface; a single prestressing device 1 provided directly on and around the outer envelope surface of the cylindrical element 3, for inducing a radial prestress in the cylindrical element (p. 10, lines 31-35, p. 7, lines 6-16); and at least one tunnel-like passage 14 running essentially along said outer envelope surface of the cylindrical element (figure 3; page 5, lines 23-26), the tunnel-like passage being defined by a groove in said outer envelope surface of the cylindrical element and a portion of said prestressing device covering said groove, for conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the cylindrical element (page 3, lines 25-32; figs. 1 and 4). As previously discussed, the cylindrical element 3 reads on the term “force-absorbing body” as such is capable of absorbing at least a minor amount of force. Applicant is specifically referred to page 10, lines 31-35, which discloses that the force absorbing body 3 can be in direct contact with an outermost cylindrical element. Because this cylindrical element is partially prestressed when the force-absorbing body is inserted, the cylindrical element imparts stress on the force-

Art Unit: 1747

absorbing body and thus reads on a prestressing device. In this embodiment, the passages 14 shown in figure 3 will be defined by the groove in the force absorbing body 3 and the prestressing device 1, because 3 will be placed directly within the prestressing device 1. It should also be noted that the conical shape of the inner portion of said cylindrical element 1 will at least partially prestress the force-absorbing body as it is inserted. Also see section 2 of the Final Rejection (FR) dated 11/01/2011.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 2, 4 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maerz (US 2002/0076347) in view of Yoneda (US 2004/0004314, newly cited) and further in view of Gardin.

As to claims 2 and 4, Maerz discloses an isostatic press, comprising: a pressure chamber for accommodating a pressure medium 6, the pressure chamber being enclosed by a cylindrical element 4 that is capable of functioning as a force-absorbing body (figure 1, paragraph 0033), wherein the cylindrical element 4 has inner surface capable of directly contacting a pressure medium.

It is not clear if Maerz discloses an isostatic press further comprising: the force absorbing body (cylindrical element) being radially prestressed; a prestressing device provided around an outer envelope surface of the force-absorbing body capable of providing the radial prestress in the force-absorbing body; and at least one tunnel-like

Art Unit: 1747

passage running essentially over the length of said outer envelope surface of the force-absorbing body, the tunnel-like passage being defined by a groove in said outer envelope surface of the force-absorbing body and a portion of said prestressing device covering said groove, for conducting pressure medium to a point of detection if such medium has leaked out through the force absorbing body from the pressure chamber to the outer envelope surface of the force-absorbing body.

Yoneda discloses a press having a pressure chamber for accommodating a pressure medium, the chamber being enclosed by a radial prestressed force absorbing body 2, and a prestressing device 3 provided around the outer envelope surface of the force-absorbing body for providing the radial prestress in the force absorbing body 2 (figures 1, 7a, 7b, paragraphs 0065-0068). Prestressing is known and preferable in the art since it provides radial stress to the force-absorbing body. Yoneda further discloses that it is beneficial to form passages 3b essentially running over the length of said outer envelope surface and between the prestressing device and the outer envelope surface of the force-absorbing body 2, said passages for conducting fluid to a point of detection if fluid has leaked to the outer surface envelope surface of the force absorbing body (figures 7a, 7b, paragraphs 0081-0084). The presence of said passages enables detection of fluid leakage, and thus it is possible to detect any cracks in the force-absorbing body and reduce the risk of a serious accident due to a cracked force-absorbing body (paragraphs 0081-0084). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the press of Maerz such that a prestressing device is provided around the outer envelope surface of the force-

Art Unit: 1747

absorbing body and capable of providing the radial prestress in the force absorbing body and at least one passage is essentially running over the length of said outer envelope surface and between the prestressing device and the outer envelope surface of the force-absorbing body, wherein said passage is for conducting pressure medium to a point of detection if such medium has leaked out from the pressure chamber to the outer envelope surface of the force-absorbing body as taught by Yoneda above in order to achieve the benefits discussed above.

Yoneda discloses that the passage is formed in the surface of the prestressing device rather than the force-absorbing body. However, Gardin discloses that when forming a passage for conducting pressure medium on an outer envelope surface of a force-absorbing body, the passage can either be formed by a groove in said outer envelope surface, a groove in the inner surface of the device covering said outer envelope surface, or both (page 5, lines 15-20). At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify the press of Maerz as modified by Yoneda such that the passage is defined by a groove in said outer envelope surface of the force absorbing body and a portion of said prestressing device covering said groove as such is a well known and equivalent alternative to forming the groove or passage in the surface of the prestressing device as taught by Gardin above. Additionally, it would have been obvious to form the passage in a tunnel-like shape as is known in the art and taught by Gardin (page 9, lines 31-33).

Response to Arguments

7. Applicant's arguments with respect to claims 1, 3, 6, 8, 10-12 and 19 have been considered but are moot. The applicant has amended claim 1 and the prior art of record does not anticipate or render obvious the limitations of claims 1, 3, 6, 8, 10-12 and 19. The examiner is interpreting the term "final prestressing device" as requiring said prestressing device to impart the final prestress to the force-absorbing body, thus precluding another device to impart prestress after the final prestress device imparts prestress. Applicant is advised that removing "essentially" from claims 1 and 10 and cancelling claims 2, 4, 5, 7, 16-18 and 20 will result in allowance of the application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is (571)272-6038. The examiner can normally be reached on Monday-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1747

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/
Primary Examiner, Art Unit 1747